

April 14, 2003

ORGANIZATION: Nuclear Energy Institute (NEI)

SUBJECT: SUMMARY OF MEETING WITH THE NUCLEAR ENERGY INSTITUTE
REGARDING EARLY SITE PERMIT (ESP) ISSUES

On March 5, 2003, representatives from the Nuclear Energy Institute (NEI) met with the Nuclear Regulatory Commission (NRC) staff. The meeting was requested by NEI in order to discuss issues related to ESP applications and reviews. Representatives from Dominion Generation (Dominion), Exelon Generating Company (Exelon) and Entergy Operations, Inc. (Entergy) were in attendance.

Enclosure 1 is a list of the meeting attendees. NRC and NEI provided handouts during the meeting which can be accessed through the Agencywide Documents Access and Management System (ADAMS). This system provides text and image files of NRC's public documents. The handouts mentioned above may be accessed through the ADAMS system under Accession No. ML030660056. If you do not have access to ADAMS or if there are problems in accessing the handouts located in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

Follow-up Items from the January 29th Meeting

In response to the action item to consider the development of a Regulatory Guide on the form and content of ESP applications, the staff noted that the appropriate time to develop further regulatory guidance would be after any lessons learned gained by the review of the first ESP applications. Russell Bell of NEI noted that Document NEI-01-02, "Industry Guideline for Preparing An Early Site Permit Application - 10 CFR Part 52, Subpart A," will be updated later this year. The staff noted in response to comments from a representative of Greenpeace that more information regarding the ESP generic issues has been placed on the NRC website.

Topics for Next Meeting

No meeting is planned between the NRC and the NEI Early Site Permit Task Force (ESPTF) in the near future. The staff discussed other future public meetings in the ESP area.

ESP-2 (ESP Inspection Guidance)

The staff responded to the document "Industry Comments on IMC-2501 Nuclear Reactor Inspection Guidance, ESP Phase" (See Handouts) which were transmitted via e-mail on February 21, 2003. The staff informed the NEI ESPTF that the inspection procedures will reflect the current and future staff guidance regarding quality assurance as stated in Review Standard (RS)-002, "Processing Applications for Early Site Permits." The staff noted that a formal response to the subject comments requires that those comments be submitted in writing in accordance with the public comment procedure for RS-002. NEI stated that applicable

comments will be submitted in accordance with the public comment procedure before the end of the comment period on March 31, 2003.

ESP-4 (NRC nominal review timeline)

NEI questioned the timing of the mandatory hearing process associated with an ESP application and offered to explore, at a later date, methods to reduce the one year assumed in the ESP Review Schedule. The Entergy representative noted that by the first week in May the applicant will know whether there will be any changes in its filing date. The Exelon representative reconfirmed that the Clinton ESP application will be filed in June 2003. The Dominion representative announced that the North Anna ESP application will be filed on September 26, 2003.

ESP-8 (Use of a bounding approach for providing fuel cycle and transportation info required by the National Environmental Policy Act (NEPA) (Table S-3 and S-4)

The NEI ESPTF submitted a draft issue resolution letter (See Handouts) which was transmitted to the staff via e-mail on February 21, 2003. Due to the agency information protocols, the staff declined to discuss the subject draft letter. NEI agreed to submit a white paper for staff review and further stated that a telephone conference with the staff would be scheduled at a later date to address any further questions or clarifications.

ESP-9 (Criteria for assuring control of the site by ESP Holder)

The NEI ESPTF provided and discussed a briefing sheet (See Handouts) on Topic ESP-9 which was transmitted to the staff via e-mail on February 21, 2003. The staff had no comments on the subject material.

ESP-13 (Guidance for ESP seismic evaluations)

The NEI ESPTF provided and discussed their status update sheet (See Handouts) on the seismic and geotechnical work performed to-date for Topic ESP-13 which was transmitted to the staff on February 26, 2003. It was noted that some areas were not covered in the probabilistic seismic hazards analysis. The staff noted that further discussion on this item should be deferred until after specific ESP application details were available for review.

ESP-19 (Addressing effects of potential new units at an existing site)

The NEI ESPTF provided and discussed a briefing sheet (See Handouts) on Topic ESP-19 which was transmitted to the staff via e-mail on February 21, 2003. The staff had the following comments/observations: (1) existing regulatory requirements for the existing unit must be examined to ascertain the impacts on previous licensing assumptions and commitments (e.g., aircraft hazard analyses assume a given area of risk which becomes larger given the additional unit); and (2) new threats or vulnerabilities to the existing unit may be introduced due to the presence of the new unit (e.g., turbine missiles, intakes interference for control room habitability).

ESP-21 (Understanding the interface of ESP with the COL process)

Both the NEI ESPTF and the staff agreed that the subject ESP Topic would be better addressed by the recently formed Combined License (COL) Task Force. NEI will document this transfer via a letter to the staff at a later date.

ESP-22 (Form and Content of an ESP)

The NEI ESPTF again requested staff feedback on the revised August 21, 2002, Form and Content of an ESP document that was presented at the August 22, 2002, public meeting. The staff responded that it was premature at this time to discuss specifics on the permit structure without consulting the Commission regarding some of the policy-related ESP issues. The staff intends to develop a SECY paper on these ESP policy issues after the receipt of the key NEI resolution letters.

Follow-up Discussion on NRC responses to NEI Issue Resolution Letters

The NEI ESPTF provided and discussed briefing sheets (See Handouts) posing further questions and comments on the staff responses to the NEI Issue Resolution Letters for Topics ESP-3, ESP-6, ESP-7, ESP-11 and ESP-12 which were transmitted to the staff via e-mail dated February 21 to March 4, 2003. The staff responded to the NEI questions and comments with a written presentation (See Handouts). Due to the short time frame associated with the e-mail transmittal of applicable briefing sheet, NEI agreed to participate in a future telephone conference with the staff to address any questions or clarifications for Topic ESP-12.

/RA/

Ronaldo V. Jenkins, Senior Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 689

Enclosures: As stated

cc w/encls: See next page

ESP-21 (Understanding the interface of ESP with the COL process)

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Enclosures: As stated

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JLee

MKotzalas (NRR Communication Coord)

CAbbott

SWeerakkody

KGibson

Elmbro

DThatcher

DBarss

BMusico

LBanic

Meeting
With the Nuclear Energy Institute
March 5, 2003

Attendance List

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Ronaldo Jenkins, NRR
Tom Foley, NRR
Kaz Campe, NRR
Charles Hinson, NRR
Goutam Bagchi, NRR
James Lyons, NRR
Jennifer Davis, NRR
Ken Heck, NRR
Stephen Koenick, NRR
Barry Zalcman, NRR
Bruce Musico, NRR
Jay Lee, NRR
Kevin Coyne, NRR
Gene Imbro, NRR
Thomas Kenyon, NRR
Jerry Wilson, NRR
Rebecca Karas, NRR
Doug Pickett, NRR
Cliff Munson, NRR
Paul F. Prescott, NRR
Andrew J. Murphy, RES
Jocelyn Mitchell, RES
Antonio Fernandez, OGC
Janice Moore, OGC
Cassie Bray, OGC
Brooke G. Smith, OGC

Nuclear Energy Institute

Russell Bell
Ronald Simard
Ellen Anderson

Other Attendees

Joe Hegner, Dominion
Stefan Doerffer, AECL
Stephen Routh, Bechtel
Mike Bourgeois, Entergy
George Zinke, Entergy
Eddie Grant, Exelon
Thomas P. Mundy, Exelon
Bill Maher, Exelon
Mike Case, Framatome/ ANP
Mike Schoppman, Framatome/ Rockville
Herbert Feinroth, Gamma Engineering
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ESP-Generic

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